CITY OF ATASCADERO
CITY COUNCIL

DRAFT ACTION MINUTES

Tuesday, August 10, 2010
6:00 P.M.

City Hall
Council Chambers
6907 El Camino Real, Atascadero, California

CITY COUNCIL REGULAR SESSION – CALL TO ORDER 6:00 P.M.

Mayor Fonzi called the meeting to order at 6:02 p.m. and Mayor Pro Tem O’Malley led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Clay, O’Malley, Kelley, Béraud and Mayor Fonzi

Absent: None

Others Present: City Clerk / Assistant to City Manager Marcia McClure Torgerson

Staff Present: City Manager Wade McKinney, Administrative Services Director Rachelle Rickard, Community Development Director Warren Frace, Public Works Director Russ Thompson, Community Services Director Brady Cherry, Police Chief Jim Mulhall, Fire Chief Kurt Stone, and Deputy City Attorney Don Davis.

APPROVAL OF AGENDA: Roll Call

MOTION: By Council Member Clay and seconded by Council Member Béraud to approve the agenda. Motion passed 5:0 by a roll-call vote.
PRESENTATIONS:

1. Presentations to outgoing members of Parks & Recreation Commission:
   Matthew O’Connell, Youth Representative
   Dan Chacon, Commissioner

   Mayor Fonzi and the City Council thanked Matthew and Dan for their service to Atascadero and presented each of them with a plaque. Matthew and Dan thanked the Council for the opportunity to serve.

A. CONSENT CALENDAR:

   ▪ Recommendation: Council approve the Draft Meeting Minutes of July 27, 2010. [City Clerk]

   Council Member Kelley stated that he read an email from Anita Robinson during the Ex Parte of Item #C-1, and would like that fact added to the minutes.

   MOTION: By Council Member Béraud and seconded by Council Member Kelley to approve the Draft Meeting Minutes of July 27, 2010, as amended.
   Motion passed 5:0 by a roll-call vote.

2. June 2010 Accounts Payable and Payroll
   ▪ Fiscal Impact: $1,737,217.74.
   ▪ Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for June 2010. [Administrative Services]

   MOTION: By Council Member Béraud and seconded by Council Member Kelley to approve certified City accounts payable, payroll and payroll vendor checks for June 2010.
   Motion passed 5:0 by a roll-call vote.

UPDATES FROM THE CITY MANAGER:

City Manager Wade McKinney gave an update on projects and issues within the City.
COMMUNITY FORUM:

The following citizens spoke during Community Forum: Ted Mort, Jim Patterson, David Broadwater, Joanne Main, Steve Martin, Karyn Sturtevant, and Maggie Cox.

*Mayor Fonzi closed the COMMUNITY FORUM period.*

B. PUBLIC HEARINGS:

1. **Title 8 Building Code Text Amendments - Title 9 Planning and Zoning Text Amendments - PLN 2010-1364 / ZCH 2010-0159 (City of Atascadero)**
   - Ex Parte Communications
   - Fiscal Impact: There are no fiscal impacts associated with the proposed code text updates.

Community Development Director Warren Frace gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke on this item: Dan Chacon, Joanne Main, and Diane Mandella.

*Mayor Fonzi closed the Public Comment period.*

**MOTION:** By Council Member Kelley and seconded by Mayor Fonzi to introduce Draft Ordinance A for first reading, by title only, to approve PLN 2010-1364 (Zone Text Change ZCH 2010-0159), with the following amendments added to 9-3.701:

1. Change “certified/licensed by the State” to “certified/licensed by a State recognized organization.”
2. Substitute Adult Oriented Business for Sexually Oriented Business.

*Motion passed 4:1 by a roll-call vote. (Béraud opposed)*
2. Confirming the Cost of Vegetative Growth and/or Refuse Abatement
   ▪ Ex Parte Communications
   ▪ Fiscal Impact: The City will receive $124,950.00 from the 2010/2011 property tax rolls in weed abatement/refuse abatement assessments.
   ▪ Recommendation: Council adopt the Draft Resolution, confirming the cost of vegetative growth (weeds) and/or refuse (rubbish) abatement.

Fire Chief Kurt Stone gave the staff report and answered questions from the Council.

PUBLIC COMMENT: None

MOTION: By Council Member Kelley and seconded by Council Member Béraud to adopt the Draft Resolution, confirming the cost of vegetative growth (weeds) and/or refuse (rubbish) abatement. *Motion passed 5:0 by a roll-call vote. (Resolution No. 2010-062)*

*Mayor Fonzi recessed the meeting at 8:12 p.m.*

*Mayor Fonzi reconvened the meeting at 8:25 p.m.*

C. MANAGEMENT REPORTS:

   ▪ Fiscal Impact: The fiscal impact of the Specific Plan and EIR process on the City is expected to be minimal. The City’s cost recovery fees require that planning staff time is covered for the preparation of the Specific Plan and EIR.
   The project EIR will analyze the fiscal impacts of the project on the City of Atascadero. Current City policies require residential portions of a project to be revenue neutral to the City. The tourist services and resort components of the project are expected to be revenue positive to the City.
   ▪ Recommendations: Council:
     1. Endorse the Eagle Ranch public participation and project processing outline (Attachment 1); and,
     2. Direct staff to issue requests for proposals (RFPs) for an Environmental Impact Report (EIR) for the Eagle Ranch Specific Plan Project. [Community Development]
Community Development Director Warren Frace gave the staff report and answered questions from the Council. Also, the Applicant Victor Montgomery of RRM Design Group, made a presentation for the Council on behalf of the Smith family.

PUBLIC COMMENT:

The following citizens spoke on this item: Diane Mandella, Jim Wilkins, Marty Brown, Tina Salter, Doug Chisolm (spoke twice), Twila Martin, David Broadwater, Bridget Noel, Jim Patterson, John Neil, Jonalie Estenes, and Susan Litteral.

Mayor Fonzi closed the Public Comment period.

MOTION: By Mayor Pro Tem O’Malley and seconded by Council Member Kelley to:
1. Endorse the Eagle Ranch public participation and project processing outline (Attachment 1 of Staff Report); and,
2. Direct staff to issue requests for proposals (RFPs) for an Environmental Impact Report (EIR) for the Eagle Ranch Specific Plan Project.

Motion passed 5:0 by a roll-call vote.

2. Historic City Hall Repair – Historic Cedar Trees – Issues and Options
   - Fiscal Impact: Staff has not estimated the fiscal impact of each of the options due to the unknown construction costs related to tree avoidance
   - Recommendation: Council: direct staff to revise and recirculate the City Hall Repair Project Mitigated Negative Declaration (MND) (PPN 2004-0141) to allow for the removal of the two Deodar Cedar trees A3 and A4 on the East Mall frontage and one Italian Cypress tree A7 on the West Mall frontage. [Community Development]

Community Development Director Warren Frace gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke on this item: Jim Patterson, Jim Wilkins, Rachelle Rickard, Tom Lewis, Brian Sturtevant, Chuck Ward, and Karyn Sturtevant.

Mayor Fonzi closed the Public Comment period.
MOTION: By Council Member Clay and seconded by Mayor Pro Tem O'Malley to direct staff to revise and re-circulate the City Hall Repair Project Mitigated Negative Declaration (MND) (PPN 2004-0141) to allow for the removal of all the trees that surround the Historic City Hall except trees A1 & A2 on Palma Avenue.
Motion passed 3:2 by a roll-call vote. (Béraud & Fonzi opposed)

COUNCIL ANNOUNCEMENTS AND REPORTS: None

D. COMMITTEE REPORTS:

Council Member Clay
Attended the County Mayors Round Table for Mayor Fonzi.

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

F. ADJOURNMENT:

Mayor Fonzi adjourned the meeting at 10:40 p.m.

MINUTES PREPARED BY:

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Marcia McClure Torgerson, C.M.C.
City Clerk / Assistant to the City Manager